

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

PLYMOUTH COUNTY RETIREMENT
SYSTEM, Individually and On Behalf of All
Others Similarly Situated,

Plaintiff,

v.

GTT COMMUNICATIONS, INC.,
RICHARD D. CALDER, JR., CHRIS
MCKEE, MICHAEL SICOLI, and GINA
NOMELLINI,

Defendants.

Case No. 1:19-cv-00982-CMH-MSN

**LEAD PLAINTIFF'S UNOPPOSED MOTION TO VACATE ENTRY OF FINAL
JUDGEMENT AND ORDER OF DISMISSAL AND ENTER [PROPOSED] ORDER
PRELIMINARILY APPROVING SETTLEMENT AND PROVIDING FOR NOTICE**

Pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, Lead Plaintiff City of Atlanta Police Pension Fund and City of Atlanta Firefighters' Pension Fund ("Lead Plaintiff"), by its counsel, hereby moves the Court to (i) vacate the Final Judgment and Order of Dismissal issued on January 6, 2021 (the "Final Judgment," ECF No. 86); and (ii) enter the [Proposed] Order Preliminarily Approving Settlement and Providing for Notice (the "Preliminary Approval Order"). A copy of the Preliminary Approval Order is attached hereto as Exhibit A and a [Proposed] Order Vacating Final Judgment is attached hereto as Exhibit B.

On December 14, 2020, Lead Plaintiff filed an Unopposed Motion for Preliminary

Approval of Class Action Settlement (the “Motion for Preliminary Approval,” ECF No. 83), which requested, among other things, that the Court enter an order preliminarily approving the proposed Settlement of this Action, approving the proposed form of notice to potential class members, and setting a date for a settlement hearing. It has since come to Lead Plaintiff’s attention that, in connection with filing the Motion for Preliminary Approval, Lead Plaintiff inadvertently failed to file the Preliminary Approval Order as an exhibit. As a result of Lead Plaintiff’s error, on January 6, 2021, the Court entered the Final Judgment, rather than the Preliminary Approval Order. Consequently, Lead Plaintiff respectfully requests that the Court enter the attached [Proposed] Order Vacating Final Judgment and enter the attached Preliminary Approval Order so the Parties may begin the necessary process for distributing Notice of the Settlement to the Settlement Class.

Pursuant to Local Rule 7, Lead Counsel has conferred with Defendants’ Counsel and Lead Plaintiff certifies that Defendants do not oppose this motion.

Dated: January 7, 2021

Respectfully submitted,

**COHEN MILSTEIN SELLERS & TOLL
PLLC**

by: /s/ Steven. J. Toll
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*Lead Counsel for Lead Plaintiff and the
Proposed Settlement Class*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 7, 2021, I caused to be electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all of the registered participants.

/s/ Steven J. Toll
Steven J. Toll